



HM Prison &
Probation Service

Action Plan Submitted: 17th January 2022.

Updated Action Plan Submitted: 13th April 2022.

A Response to the HMI Probation Inspection: A thematic inspection on the use of electronic monitoring as a tool for the Probation Service in reducing reoffending and managing risk.

Report Published: 18th January 2022.

INTRODUCTION

HM Inspectorate of Prisons (HMIP) and HM Inspectorate of Probation for England and Wales are independent inspectorates which provide scrutiny of the conditions for, and treatment of prisoners and offenders. They report their findings for prisons, Young Offender Institutions, and effectiveness of the work of probation, and youth offending services across England and Wales to Ministry of Justice (MoJ) and Her Majesty's Prison and Probation Service (HMPPS). In response to the report HMPPS / MoJ are required to draft a robust and timely action plan to address the recommendations. The action plan confirms whether recommendations are agreed, partly agreed, or not agreed (see categorisations below). Where a recommendation is agreed or partly agreed, the action plans provide specific steps and actions to address these. Actions are clear, measurable, achievable, and relevant with the owner and timescale of each step clearly identified. Action plans are sent to HMIP and published on the GOV.UK website. Progress against the implementation and delivery of the action plans will also be monitored and reported on.

Term	Definition	Additional comment
Agreed	All of the recommendation is agreed with, can be achieved and is affordable.	The response should clearly explain how the recommendation will be achieved along with timescales. Actions should be as SMART (Specific, Measurable, Achievable, Realistic and Time-bound) as possible. Actions should be specific enough to be tracked for progress.
Partly Agreed	Only part of the recommendation is agreed with, is achievable, affordable and will be implemented. This might be because we cannot implement the whole recommendation because of commissioning, policy, operational or affordability reasons.	The response must state clearly which part of the recommendation will be implemented along with SMART actions and tracked for progress. There must be an explanation of why we cannot fully agree the recommendation - this must state clearly whether this is due to commissioning, policy, operational or affordability reasons.
Not Agreed	The recommendation is not agreed and will not be implemented. This might be because of commissioning, policy, operational or affordability reasons.	The response must clearly state the reasons why we have chosen this option. There must be an explanation of why we cannot agree the recommendation - this must state clearly whether this is due to commissioning, policy, operational or affordability reasons.

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ACTION PLAN: Electronic Monitoring

1. Rec No	2. Recommendation	3. Agreed/ Partly Agreed/ Not Agreed	4. Response Action Taken/Planned	5. Responsible Owner	6. Target Date
	<u>The Ministry of Justice should:</u>				
1	Ensure that data regarding all aspects of electronic monitoring is collated and analysed to inform how it is being applied and developed, including strategic analysis of sentencing and prison release data, and demographic and protected characteristic information.	Agreed	<p>Funding has been approved to increase analytical resource to improve Electronic Monitoring (EM) data flows across HMPPS and Provider systems. Recruitment will commence early in 2022 with staff in post by April 2022.</p> <p>There will be a review of recording instructions on HMPPS systems with recommendations to improve coverage and accuracy of EM data, including demographics, enforcement and HDC (Home Detention Curfew).</p> <p>Deliver recommendations that flow from internal reviews referred to above to improve coverage and accuracy of EM data.</p> <p>Develop regular management information tools to monitor a wider range of demographic and protected characteristics for the specific EM cohorts, to be produced at a minimum quarterly.</p> <p>Develop and implement a data strategy to maximise the use of EM data to enhance the management of offenders</p>	Deputy Director Data and Evidence as a Service: Prison, Probation and Reoffending.	<p>April 2022</p> <p>March 2022</p> <p>June 2022</p> <p>December 2022</p> <p>December 2022</p>

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			in the community, provide greater transparency over EM performance, improve forecasting of demand, and drive greater insights into the impact of EM. The strategy development will scope gaps in data and seek to address these.		
2	Commission structured research to better understand the impact of electronic monitoring and evaluate where it can achieve the best outcomes.	Agreed	<p>MoJ Policy, collaborating with Data and Analysis and the EM Expansion Programme, will produce a comprehensive evaluation plan by April 2022 that will cover all new EM initiatives delivered between 2021-2024. Each initiative implemented will include both a process and impact evaluation the aim of which is to understand better how EM should be targeted. The outcomes from evaluation will determine national roll out.</p> <p>Analytical resources have been agreed and recruitment for researchers and reporting analysts is due to commence in the new calendar year (2022).</p> <p>In addition, HMPPS have commenced work to improve the quality and access to EM data. A detailed business analysis has already been completed and the outputs from this will inform the future service requirements. Maximising use of data will also help build the evidence base to demonstrate the benefits of EM and how best to utilise it, informing stakeholder decision making and future policy.</p>	EM Expansion Programme Director.	<p>April 2022</p> <p>December 2022</p>

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3	Ensure future contracts for provision of electronic monitoring prioritise the delivery needs of the Probation Service including access to real time monitoring data, timely sharing of enforcement information and swifter response times to calls and emails.	Agreed	<p>As part of the EM Future Service HMPPS is working with Digital Data and Technology (DDaT), Ministry of Justice (MoJ) and HMPPS data scientists to build out the user interfaces to EM data. The current plan is to start discovery work for this project early in 2022.</p> <p>To provide codified, repeatable real time user access and sharing of enforcement information, HMPPS will need interfaces to the EM supplier systems. HMPPS are currently working on the requirements for these interfaces. They will be included in the future contracts.</p> <p>In order to meet the needs of probation practitioners and stakeholders HMPPS are developing service levels for the future contracts which will dictate required response times for the EM service.</p>	Deputy Director Electronic Monitoring Future Service.	December 2023
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Her Majesty's Prison and Probation Service should:

4	Publish a clearly defined policy, vision, strategy and operational framework for electronic monitoring delivery for probation practitioners, to include:		HMPPS and MoJ Policy are working together to develop an overarching EM Strategy. The Strategy will set out the Government's aims and objectives for EM and will establish a coherent and evidence-based narrative for the role and will set the direction of travel for EM within the criminal justice system. The Strategy is scheduled for publication in Financial Year (FY) Quarter One 2022/23.		
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			Work to develop an EM Operational Framework has commenced. The Operational Framework will provide a comprehensive reference point, highlighting key information and demonstrating best practice on the use of EM based on available evidences of EM; presented in a concise and user-friendly format. HMPPS will consult with key stakeholders during the drafting of the framework to ensure it promotes robust practice.		
(a)	clearly defined purpose of each type of electronic monitoring and how it would be most appropriately applied in cases.	Agreed	The Strategy will set the direction and the Framework will explain each type of electronic monitoring and highlight best use based on available evidence. As learning develops the Framework will evolve to help ensure EM is used effectively.	EM Expansion Programme Director & Deputy Director of Bail, Sentencing and Release Policy.	May 2022 and June 2022 respectively.
(b)	clearly defined roles and responsibilities of Probation Services and electronic monitoring providers.	Agreed	The Framework will define roles and responsibilities as set out in legislation and operational instructions.	EM Expansion Programme Director.	June 2022
(c)	mandatory actions for the management of electronically monitored requirements/conditions defined in one document.	Partly Agreed	This recommendation is partly agreed because it will be difficult to define mandatory actions contained in instructions which focus on discrete policy context, in one document without duplication of that context or causing further confusion.	EM Expansion Programme Director.	June 2022

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			The Framework will draw attention to, and signpost mandatory actions contained in relevant Probation Instructions.		
(d)	clear guidance about how to manage and enforce electronically monitored requirements/conditions, including how to integrate electronic monitoring into overall case management.	Agreed	<p>The Framework document will contain guidance on how to use and manage EM, signposting to mandatory actions contained in discrete policies.</p> <p>HMPPS will update and reissue the EM operational guidance which will include expectations to take enforcement action in accordance with legislation and where in the professional judgement of the practitioner, such action is deemed necessary. The message will be reiterated in the seven-minute training referred to in recommendation 12.</p> <p>HMPPS will work with performance and quality teams to identify cases where enforcement action has not been responded to and will action accordingly.</p>	EM Expansion Programme Director & Regional Probation Director Wales.	<p>June 2022</p> <p>April 2022</p> <p>June 2022</p>
5	Ensure electronic monitoring is available as an option for the management of people on probation subject to	Agreed	Following the outcome of the Spending Review the department can fund the targeted testing of the use of EM for Standard Determinate Sentenced (SDS) individuals post custody during the period of their licence.	Deputy Director of Bail, Sentencing and Release Policy.	

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	<p>standard determinate prison sentences, who are identified as presenting a high risk of serious harm after release from custody.</p>		<p>Wider findings and research indicate that EM can make a positive contribution that supports rehabilitation and protects the public. HMPPS and MoJ policy have, therefore, identified three new expansion activities that target the SDS cohort, these will be evaluated to develop the evidence base for the effective and proportionate use of EM:</p> <ul style="list-style-type: none"> • Alcohol Monitoring on Licence has been introduced in Wales (November 2021) and will be expanded to England in FY Quarter 1 2022/23, to help in the supervision of individuals with a strong link between alcohol misuse and criminal behaviour. • The EM as a variation of licence project will commence in FY Quarter 2 2022/23, making the monitoring of curfews, movements and exclusion / inclusion zones available to probation to support compliance with licence conditions and the successful completion of the sentence. • In FY Quarter 4 2022/23, HMPPS will commence the project to make EM available for the Domestic Abuse perpetrator cohort to support the protection of existing and future victims and deter further offending. 		<p>June 2022</p> <p>September 2022</p> <p>March 2023</p>
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		<p>In addition to these HMPPS continue with the Acquisitive Crime project which imposes compulsory trail monitoring on individuals who are subject to licence conditions for up to 12 months. This project is being evaluated, including for impact on reoffending and value for money and findings will be published which will inform future use. HMPPS plan to publish an interim report in Summer 2022 (process evaluation and perceived impacts) and a final report in late 2023 (impact and economic evaluation).</p> <p>Additional licence conditions must be necessary, proportionate and reasonable; the targeting and testing of EM in advance of wider availability will provide the evidence that probation practitioners will need to fulfil their legal obligation to use EM proportionately and where it can be effective, therefore ensuring value for money in the use of this additional resource.</p> <p>It is not our intention at this stage to limit the trials of EM on licence to the high risk or serious harm cohort, nor just to initial release but also for a variation of licence.</p>		December 2023
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6	Make immediate changes to current contract requirements to ensure:				
6(a)	there is more rapid notification of licence violations (including sharing a copy of any warnings issued by EMS for violation of HDC).	Partly agreed	<p>This recommendation is partly agreed because it will need to be impact assessed and will require a change to the EMS contract.</p> <p>HMPPS will assess the demand from Probation and the Public Protection Casework Section to shorten notification times and by April 2022, work with EMS to assess costs and operational impact to see what is achievable. In the current landscape of significant levels of change, this will need to be considered and factored in with other priorities.</p> <p>This will also be considered for inclusion in the specification for the EM Future Service.</p>	Head of EM Operations.	April 2022
6(b)	Improved phone and email response times for probation practitioners and people on probation.	Partly agreed	<p>This recommendation is partly agreed as it will need to be impact assessed. To ensure guaranteed speedier times requires a Service Level (SL). There is no formal SL about human response times to incoming calls or emails, so HMPPS will need to assess the impact and cost of introducing them for probation practitioners and for people on probation. The implementation of a new telephony system will assist in part as it will speed up all call handling.</p> <p>HMPPS will impact assess options by April 2022. Timely responses to phone and email queries from probation practitioners and people on probation will form</p>	Head of EM Operations.	April 2022

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			requirements for inclusion in the specification for the EM Future Service.		
6(c)	Improved timeliness of trail monitoring data - to be returned within 24 hours of request.	Partly agreed	<p>This recommendation is partly agreed because many responses cannot be made within 24 hours due to the complexity of the request and amount of data requested. It is a manual process to turn the information from relevant IT system (EMSys) into information that is useful to Probation Practitioners and when long time periods are requested it takes time to produce. To ensure a 24-hour turnaround time would require a SL and may require additional costs as it is likely to be dependent on increasing staffing levels.</p> <p>HMPPS will explore whether Probation can self-access location data their cohort of individuals on licence or community sentences using the portal, which is used by Probation practitioners to view data relating to acquisitive criminals released from custody with a location monitoring requirement. This was created for the acquisitive crime service so is likely to need a change with that system and will require additional activity by providers and possibly Probation.</p> <p>The EM team will work with Probation colleagues to assess what is needed, review working practices between EMS and HMPPS, impact assess any changes and options by April 2022.</p>	Head of EM Operations.	April 2022

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6(d)	Automatic notification of all curfew violations for people on probation assessed as posing a high risk of serious harm.	Partly agreed	This recommendation is partly agreed because it will need to be impact assessed and will require changes to Probation systems and EMS contracts. HMPPS will assess what information would be most helpful to Probation to inform the impact assessment.	Head of EM Operations.	April 2022
7	Commission a practitioner self-service portal so that probation practitioners can access real-time electronic monitoring and compliance data for the cases they manage.	Agreed	Alongside the work at recommendation 6(iii) the HMPPS EM team in collaboration with MoJ digital have commenced a project to develop a user interface. This will enable practitioners to access electronic monitoring data directly to support the management of individuals. Given the complexity of the project HMPPS will commence with an Alpha workstream to develop and test (internally) the interface, followed by a Beta workstream to test the product with key stakeholders to ensure that it meets user needs. The requirements from this will feed into the future service contracts.	EM Expansion Programme Director.	December 2023
8	Mandate the requirement to make domestic abuse and safeguarding checks before recommending a sentence or release on electronically monitored curfew.	Agreed	HMPPS recognise the risks to others living in a household if an individual who poses a risk to them is curfewed to that address. HMPPS will mandate enquiries to police and children's services in all cases where there is a recommendation for an electronically monitored curfew from April 2022 and have set up a working group to establish how to strengthen the inclusion of information from other agencies about domestic abuse and or child safeguarding into the risk assessments completed prior to EM recommendations being made.	Executive Director HMPPS Wales & Public Protection.	April 2022

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9	Work with police and children's social care at a national level to ensure that probation service practitioners in every region are provided with domestic abuse and safeguarding checks, in a timely manner, pre-sentence/release.	Partly agreed	<p>This recommendation is partly agreed as outcomes are dependent on partner agencies. HMPPS will work with Police and children's services leads to establish effective information sharing arrangements. Probation regions are recruiting administrative resource for deployment into Police Forces to support more timely information exchange. Initial priority is the point of sentence where Domestic Abuse (DA) information is known with the intention to broaden scope from there.</p> <p>Work on an updated National Police Chief's Council and Probation Service Information Sharing Protocol is underway. This will provide a basis for information sharing arrangements for each Constabulary and PDU (Probation Delivery Unit) and will detail the timescales for police providing information pre and post sentence. HMPPS will incorporate EM cases into wider work being undertaken to improve access to domestic abuse information, starting with cases at the point of sentence.</p> <p>The NPS (National Probation Service) Business Strategy and Change group will analyse arrangements across England and Wales to identify opportunities to make processes more joined up and/or easier.</p>	<p>Director of Public Protection Group & Probation Regional Director of Greater Manchester.</p> <p>Probation Divisional Director for Business Strategy and Change.</p>	<p>April 2022</p> <p>March 2022</p>
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			<p>A new Child Safeguarding Policy Framework is going through governance post-consultation and HMPPS aim to publish in early 2022. This will include clear expectations on sharing information in line with Working Together statutory guidance on inter-agency working and a national template to support information exchange.</p> <p>HMPPS will also meet with colleagues from Department for Education (DfE) to explore how their plans for multi-agency family safeguarding might contribute to better outcomes for children living with someone who is or may be subject to EM.</p>	<p>Director of Public Protection Group.</p> <p>Director of Public Protection Group.</p>	<p>February 2022</p> <p>March 2022</p>
10	Update NDelius requirement fields and issue guidance to ensure that electronically monitored and non-electronically monitored requirements are recorded accurately.	Agreed	Work with MoJ Digital colleagues will establish the most effective way of updating Delius to enable proper recording. This work will be added to the current list of priority activity in the digital space and a deadline for completion of this work agreed as part of their general prioritisation activity.	Probation Divisional Director for Business Strategy and Change.	March 2022
11	Update home detention curfew address check processes to ensure probation practitioners are required to specify if the proposed release address is assessed as	Agreed	The HDC Policy Framework will be amended to underline that all necessary checks must be completed by probation before a release on HDC can be authorised. They must confirm whether the address is suitable, and the individual can be safely managed there. The amendments will be included in the next iteration of the	Deputy Director of Bail, Sentencing and Release Policy.	March 2022

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	suitable (i.e. that there are no potential risks to the householder – or to the person on probation), to inform safe decision-making by prisons.		HDC Policy Framework which is currently under review and scheduled for publication in early 2022.		
<u>The Probation Service should:</u>					
12	Ensure all probation practitioners receive training in electronic monitoring and how to integrate the different types of technology available into the overall case management of people on probation.	Agreed	HMPPS will update the EM operational guidance, develop a seven-minute briefing outlining the key abilities of EM and refer staff to EM. Through the Heads of Operations in Probation. HMPPS will have assurances that those briefings have been completed and the documents stored appropriately on EQuIP (Excellence and Quality in Processes). HMPPS is also exploring the use of EM SPOCs (Single Point of Contacts) within PDUs to be experts and provide advice to staff. This position will become clear upon the outcome of the internal allocations process.	Regional Probation Director Wales.	April 2022
13	Ensure that probation practitioners clearly record and analyse how electronic monitoring will support the risk management of people on probation.	Agreed	Through the seven-minute briefing and the updated EM operational guidance staff, will be supported in ensuring their risk management plans accurately outline how EM is the most suitable tool to manage and mitigate the particular risk in the case. The briefing will outline the need for this to be clear on DELIUS, risk forms to EMS and in the OASys (Offender Assessment System) and	Regional Probation Director Wales.	April 2022

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			reviewed. Risk management plans will be reviewed as part of OASys countersigning. The Operational and System Assurance Group and other regional assurance processes will also be able to assess the quality of sentence plans where there is an electronic monitoring requirement.		
14	Ensure that probation practitioners clearly identify electronic monitoring requirements within sentence planning processes, including reviewing progress regularly with the person on probation.	Agreed	Through the seven-minute briefing and the updated EM operational guidance staff will be supported in ensuring their risk management plans accurately outline how EM is the most suitable tool to manage and mitigate the particular risk in the case. The briefing will outline the need for this to be clear on DELIUS, risk forms to EMS and in the OASys and reviewed. Staff to demonstrate use of Effective Practice Framework (EPF) 1 and EPF2 at report stage and start of licence and at pre-sentence stage.	Regional Probation Director Wales.	April 2022
15	Ensure that court staff training includes the availability of GPS technologies as a sentencing option, providing a clear understanding of their purpose and scope.	Agreed	HMPPS will work with the National Court Group to ensure that the operational guidance and updated materials form part of court training and awareness sessions. Use of EPF (Effective Practice Framework) 1 tool to be monitored for concordance.	Regional Probation Director Wales.	April 2022

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16	Work with local partners to improve the timeliness of domestic abuse and safeguarding information-sharing at the pre-sentence / pre-release stage to inform robust assessments.	Agreed	Assurances from regions will be sought on their processes and will be monitored via internal Performance Quality (PQ) processes. These will be reviewed and considered with guidance on best practice shared with regions to take to partnership forums to improve this process. Local quality development officers in the probation service, alongside performance and quality teams can provide quality assurance within regions to identify good practice and areas for further improvement.	Regional Probation Director Wales.	June 2022
17	Ensure all cases are enforced as required.	Agreed	<p>HMPPS will update and reissue the EM operational guidance which will include expectations to take enforcement action in accordance with legislation and where in the professional judgement of the practitioner, such action is deemed necessary. The message will be reiterated in the seven-minute training referred to in recommendation 12.</p> <p>HMPPS will work with performance and quality teams to identify cases where enforcement action has not been responded to and will action accordingly.</p>	Regional Probation Director Wales.	<p>April 2022</p> <p>June 2022</p>

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Recommendations	
Agreed	14
Partly Agreed	3
Not Agreed	0
Total	17



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